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[Main page](#)

[Contents](#)

[Featured content](#)

[Current events](#)

[Random article](#)

[Donate to Wikipedia](#)

[Wikipedia Shop](#)

Namespaces

Article

Talk

Variants

Views

Read

Edit

View history

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Steven Hatfill

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Steven Jay Hatfill (born October 24, 1953) is an American physician, virologist and bio-weapons expert who underwent what was considered by many^[*who?*] to be a trial by media with great toll on his personal and professional life. After eight months of pressure from the media and amateur detectives, the [US Department of Justice](#) identified the former government scientist as a "[person of interest](#)" in its investigation of the

[2001 anthrax attacks](#). FBI searches of his apartment in July and August 2002 were well-attended by journalists, many of whom had been pointing at Hatfill for months. Hatfill later sued the government for ruining his reputation, a case which the government settled for [US\\$ 5.8 million](#).^[1] He also filed lawsuits against several periodicals that had identified him as a figure warranting further investigation. Hatfill's lawsuit against *The New York Times* was dismissed on the grounds that he was a "public figure" and malice had not been proven. His lawsuit against *Vanity Fair* and *Reader's Digest* was settled out of court, and the details were not disclosed. FBI and DOJ officials later blamed another government scientist, [Bruce Edwards Ivins](#), although questions about the validity of that assertion have persisted.

Steven Jay Hatfill	
Born	October 24, 1953 (age 60) <div></div> Saint Louis, Missouri
Education	 Southwestern College (1975) <div> University of Zimbabwe (1984)</div> <div> University of Stellenbosch (1993)</div>

Download as PDF

Printable version

1 Early life and education

Languages

2 Anthrax attacks

Edit links

2.1 Assertions by Rosenberg

2.2 Person of interest

2.3 60 Minutes interview

3 Lawsuits

3.1 *Hatfill v. John Ashcroft, et al.*

3.2 *Hatfill v. The New York Times*

3.3 *Hatfill v. Foster*

4 References

5 Further reading

Early life and education ^[edit]

Hatfill was born in [Saint Louis, Missouri](#), and graduated from Mattoon Senior High School, [Mattoon, Illinois](#) (1971), and [Southwestern College](#) in [Winfield, Kansas](#) (1975), where he studied [biology](#).

Hatfill was enlisted as a [private](#) in the [U.S. Army](#) from 1975 to 1977.^[2] (In 1999, he would tell a journalist during an interview that he had been a "captain in the [U.S. Special Forces](#)", but in a subsequent investigation the Army stated that he had never served with the Special Forces.^[3]) Following his Army discharge, Hatfill qualified and worked as a [medical laboratory technician](#), but soon resolved to become a doctor.

Hatfill then settled in [Rhodesia](#) (now [Zimbabwe](#)) entering the [Godfrey Huggins Medical School](#)^[4] in [Salisbury](#) (now [Harare](#)) in 1978. (His claimed military associations during this period included assistance as a medic with the [Selous Scouts](#) and membership in the [Rhodesian SAS](#), but according to one journalist^[5] the regimental association of the latter is "adamant Hatfill never belonged to the unit".) He graduated (after failing in 1983) with a [M ChB](#) degree in 1984 and then completed a one year [internship](#) (1984–85) at a small rural hospital in [South Africa's North West Province](#). The South African government recruited him to be medical officer on a 14 month (1986–88) tour of duty in Antarctica with the [South African National Antarctic Expedition](#) (SANAE). He then completed (1988) a [master's degree](#) in [microbiology](#) at the [University of Cape Town](#). He worked toward a second master's (1990; medical biochemistry and radiation biology) at the [University of Stellenbosch](#), while working again as a paid med tech in the University's clinical hematology lab. A 3-year [hematological pathology](#) residency (1991–93) at Stellenbosch followed, during which time Hatfill conducted research on the treatment of [leukemia](#) with [thalidomide](#).^[5] This research, toward an anticipated PhD degree, was conducted (1992–95) under the supervision of Professor Ralph Kirby at [Rhodes University](#).

Hatfill submitted his PhD thesis for examination to Rhodes in January 1995, but it was failed in November and no degree was ever granted.^[5] Hatfill later claimed a Ph.D. degree in "[molecular cell biology](#)" from Rhodes, as well as completion of a post-doctoral fellowship (1994–95) at the [University of Oxford](#) in [England](#) and three [master's degrees](#) (in [microbial genetics](#), [medical biochemistry](#), and [experimental pathology](#)). Some of these credentials have been questioned. During a later investigation, officials at Rhodes insisted that he had never been awarded a Ph.D. from their institution.^[6] (In 2007, Hatfill's lawyer Tom Connolly^[7] — in his lawsuit against former [U.S. Attorney General John Ashcroft](#) and the [FBI](#) — admitted that his client had "Puffed on his resume. Absolutely. Forged a diploma. Yes, that's true."^[8])

Back in the U.S., another of Hatfill's post-doctoral appointments commenced at the [National Institute of Child Health and Human Development](#) (NICHD), one of the [National Institutes of Health](#) (NIH) in [Bethesda, Maryland](#), in 1995. He subsequently worked (1997–99) as a civilian researcher at the [United States Army Medical Research Institute of Infectious Diseases](#) (USAMRIID), the [U.S. Department of Defense's](#) medical research institute for [biological warfare](#) (BW) defense at [Fort Detrick](#), Frederick, MD. There he studied, under a [National Research Council](#) fellowship, new drug treatments for the [Ebola virus](#) and became a specialist in [virology](#) and BW defense.

Anthrax attacks [edit]

In January 1999 Hatfill transferred to a "consulting job" at [Science Applications International Corporation](#) (SAIC), which has a "sprawling campus" in nearby [McLean, Virginia](#). The corporation did work for a multitude of federal agencies. Many projects were [classified](#).

By this time there had been a number of [hoax anthrax mailings](#) in the United States. Hatfill and his collaborator, SAIC vice president Joseph Soukup, commissioned [William C. Patrick](#), retired head of the old US bioweapons program (who had also been a mentor of Hatfill) to write a report on the possibilities of terrorist anthrax mailing attacks. Barbara Hatch Rosenberg (director of the [Federation of American Scientists'](#) biochem weapons working group in 2002) said that the report was commissioned "under a [CIA](#) contract to SAIC". However, SAIC said Hatfill and Soukup commissioned it internally — there was no outside client.

The resulting report, dated February 1999, was subsequently seen by some as a "blueprint" for the [2001 anthrax attacks](#). Amongst other things, it suggested the maximum amount of anthrax powder - 2.5 grams - that could be put in an envelope without making a suspicious bulge. The quantity in the envelope sent to Senator Patrick Leahy in October 2001 was .871 grams.^[9] After the attacks, the report drew the attention of the media and others, and led to their investigation of Patrick and Hatfill.^[10]

Assertions by Rosenberg [edit]

In October 2001, as soon as it became known that the [Ames strain](#) of anthrax had been used in the attacks, Dr. **Barbara Hatch Rosenberg** and others began suggesting that the attack might be the work of a "rogue CIA agent", and they provided the name of the "most likely" person to the FBI. On November 21, 2001, Rosenberg made similar statements to the Biological and Toxic Weapons convention in Geneva.^[11] In December 2001, she published "A Compilation of Evidence and Comments on the Source of the Mailed Anthrax" via the web site of the [Federation of American Scientists](#) (FAS) suggesting the attacks were "perpetrated with the unwitting assistance of a sophisticated government program".^[12]

Rosenberg discussed the case with reporters from the *New York Times*.^[13] On January 4, 2002, [Nicholas Kristof](#) of the *New York Times* published a column titled "Profile of a Killer"^[14] stating "I think I know who sent out the anthrax last fall." For months, Rosenberg gave speeches and stated her beliefs to many reporters from around the world. She posted "Analysis of the Anthrax Attacks" to the FAS web site on January 17, 2002. On February 5, 2002 she published an article called "Is the FBI Dragging Its Feet?"^[15] At the time, the FBI denied reports that investigators had identified a chief suspect, saying "There is no prime suspect in this case at this time."^[16] *The Washington Post* reported that "FBI officials over the last week have flatly discounted Dr. Rosenberg's claims."^[17]

On June 13, 2002, Rosenberg posted "The Anthrax Case: What the FBI Knows" to the FAS site. On June 18, 2002, Rosenberg presented her theories to senate staffers working for Senators Daschle and Leahy.^[18] One week later, on June 25, the FBI publicly searched Hatfill's apartment, turning him into a household name. "The FBI also pointed out that Hatfill had agreed to the search and is not considered a suspect."^[19]

Both *The American Prospect* and *Salon.com* reported that "Hatfill is not a suspect in the anthrax case, the FBI says."^[20] On August 3, 2002, Rosenberg told the media that the FBI asked her if "a team of government scientists could be trying to frame Steven J. Hatfill."^[21]

Person of interest ^[edit]

In August 2002, **Attorney General John Ashcroft** labeled Hatfill a "person of interest" in a press conference, although no charges were brought against him. Hatfill, a **virologist**, vehemently denied he had anything to do with the anthrax (bacteria) mailings and sued the FBI, the Justice Department, John Ashcroft, **Alberto Gonzales**, and others for violating his constitutional rights and for violating the **Privacy Act**. On June 27, 2008, the Department of Justice announced it would settle Hatfill's case for \$5.8 million.^[22]

Hatfill later went to work at **Pennington Biomedical Research Center** in **Baton Rouge, LA**. In September 2001 SAIC was commissioned by the Pentagon to create a replica of a mobile WMD "laboratory", alleged to have been used by **Saddam Hussein**, who was President of Iraq at the time. The Pentagon claimed the trailer was to be used as a training aid for teams seeking weapons of mass destruction in Iraq.^[23]

His lawyer, Victor M. Glasberg,^[24] stated: "Steve's life has been devastated by a drumbeat of innuendo, implication and speculation. We have a frightening public attack on an individual who, guilty or not, should not be exposed to this type of public opprobrium based on speculation."^[25]

In an embarrassing incident, FBI agents trailing Hatfill in a motor vehicle ran over his foot when he attempted to approach them in May 2003. Police responding to the incident did not cite the driver, but issued Hatfill a citation for "walking to create a hazard".^[26] He and his attorneys fought the ticket, but a hearing officer upheld the ticket and ordered Hatfill to pay the requisite \$5 fine.^[27]

FBI Director **Robert S. Mueller III** changed leadership of the investigation in late 2006, and at that time another suspect, **USAMRIID bacteriologist Bruce Ivins**, became the main focus of the investigation.^[28] Considerable questions have been raised, however, about the credibility of the case against Ivins as well.^[29]

60 Minutes interview ^[edit]

Hatfill's lawyer, Tom Connolly, was featured in a **CBS News 60 Minutes** interview about the anthrax incidents on March 11, 2007.^[8] In the interview it was revealed that Hatfill forged a Ph.D. degree certificate. "It is true. It is true that he has puffed on his resume. Absolutely", Connolly acknowledged. "Forged a diploma. Yes, that's true." He went on to state, "Listen, if puffing on your resume made you the anthrax killer, then half this town should be suspect."

The New York Times stated in their paper that Hatfill had obtained an anti-anthrax medicine (**ciprofloxacin**) immediately prior to the anthrax mailings. Connolly explained, "Before the attacks he had surgery. So yes, he's on **Cipro**. But the fuller truth is in fact he was on Cipro because a doctor gave it to him after sinus surgery". Hatfill had previously said the antibiotic was for a lingering sinus infection.^[30] The omission in the *Times'* article, of the reason why he had been taking Cipro, is one reason Hatfill sued the newspaper. The newspaper won a summary judgment ruling in early 2007, squelching the libel suit that had been filed by ^[31]

Steven Hatfill against it and columnist Nicholas Kristof.

Lawsuits [edit]

Hatfill v. John Ashcroft, et al. [edit]

On the 26th of August 2003, Hatfill filed a [lawsuit](#)^[32] against the [Attorney General of the United States John Ashcroft](#), the [United States Department of Justice](#), DOJ employees Timothy Beres and Daryl Darnell, the [Federal Bureau of Investigation](#), FBI Supervisory Special Agent Van Harp and an unknown number of FBI agents.^[33]

On March 30, 2007, US District Judge [Reggie Walton](#) issued an order warning Hatfill that he could lose his civil lawsuit over the leaks if he did not compel journalists to name their sources. He gave Hatfill until April 16 to decide whether to press the journalists to give up their sources.^[34]

On April 16, Hatfill gave notice that he would "proceed with discovery to attempt to obtain the identity of the alleged source or sources at the Department of Justice and the Federal Bureau of Investigation who allegedly provided information to news reporters concerning the criminal investigation of Dr. Hatfill."

On April 27, 2007, in the U.S. District Court for the District of Columbia, federal prosecutors^[*clarification needed*] wrote that Steven Hatfill had overstepped court orders allowing him to compel testimony from reporters whom he had already questioned and had instead "served a new round of subpoenas" on organizations "that he failed to question during the discovery period."^[35]

During the first round of depositions, Hatfill subpoenaed six reporters: [Michael Isikoff](#) and Daniel Klaidman of [Newsweek](#), [Brian Ross](#) of [ABC](#), Allan Lengel of [The Washington Post](#), Jim Stewart of [CBS](#), and Toni Locy of [USA Today](#).

Hatfill now has subpoenaed eight news organizations, including three that he didn't name before: The [New York Times](#) ([Nicolas Kristof](#), David Johnson, [William Broad](#), Kate Zernike, [Judith Miller](#), Scott Shane, and Frank D. Roylance), [The Baltimore Sun](#) (Gretchen Parker and Curt Anderson), and the [Associated Press](#). Subpoenas for [Washington Post](#) writers Marilyn W. Thompson, David Snyder, Guy Gugliotta, Tom Jackman, Dan Eggen and Carol D. Loenning, and for Mark Miller of *Newsweek*, are now included.

The Justice Department responded to Hatfill's subpoenas, saying that they went too far. "The court should reject this attempt to expand discovery," prosecutors wrote.^[36] In a status conference on Friday 11 January 2008, U.S. District Judge Reggie B. Walton ordered the attorneys for the government and for Hatfill to seek mediation over the next two months. According to the Scheduling Order, the parties will be in mediation from January 14 until May 14, 2008. The prospects of a mediated settlement notwithstanding, Walton said he expected that a trial on the lawsuit could begin in December. Afterward, Hatfill's attorney Mark A. Grannis said: "The court has set a schedule for bringing this case to trial this year, and we're very pleased at the prospect that Dr. Hatfill will finally have his day in court."^[37]

On March 7, 2008, Toni Locy of *USA Today* was ordered to personally pay contempt of court fines of up to \$5,000 a day which begin the following Tuesday, until she identifies her sources.^[38]

On June 27, 2008 Hatfill was exonerated by the government and a settlement was announced in which the Justice Department has agreed to pay \$4.6 million (consisting of \$2.825 million in cash and an annuity paying \$150,000 a year for 20 years)^[39] to settle the lawsuit in which Hatfill claimed the Justice Department violated his privacy rights by speaking with reporters about the case.^{[40][41]}

Hatfill v. The New York Times ^[edit]

In July 2004, Hatfill filed a [lawsuit](#) against [The New York Times Company](#) and [Nicholas D. Kristof](#).

In a sealed motion^[42] on December 29, 2006, *The New York Times* argued that the classification restrictions imposed on the case were tantamount to an assertion of the [state secrets privilege](#). *Times* attorneys cited the case law on state secrets to support their argument that the case should be dismissed. The "state secrets" doctrine, they said, "precludes a case from proceeding to trial when national security precludes a party from obtaining evidence that is... necessary to support a valid defense. Dismissal is warranted in this case because the *Times* has been denied access to such evidence, specifically documents and testimony concerning the work done by plaintiff [Hatfill] on classified government projects relating to bioweapons, including anthrax."^[citation needed]

A redacted copy^[42] of the December 29, 2006 New York Times Memorandum of Law in Support of Defendant's Motion for an Order Dismissing the Complaint Under the "State Secrets" Doctrine was obtained by Secrecy News.^[43]

Attorneys for Hatfill filed a sealed response on January 12, 2007 in opposition to the motion for dismissal on state secrets grounds. A redacted copy^[44] of their opposition has been made available by Secrecy News.^[45]

On January 12, 2007, a judge dismissed a [lawsuit](#) filed by Hatfill against *The New York Times*.^[46]

On January 30, 2007, Judge Hilton's order dismissing the Hatfill v. *The New York Times* was made public, along with a Memorandum Opinion explaining his ruling. Kenneth A. Richieri, Vice President and General Counsel of *The New York Times* scored what he called a "very satisfying win" at the beginning of 2007 in the Eastern District of Virginia. The newspaper won a summary judgment ruling squelching a libel suit that had been filed by anthrax poisoning "person of interest" Steven Hatfill against it and columnist Nicholas Kristof.^[31]

The US Court of Appeals for the Fourth Circuit reversed the trial court, ruling that a jury should decide that issue. In March 2008, the Supreme Court refused to grant certiorari in the case, effectively leaving the appeals court decision in place.

The case was dismissed in a Summary Judgment on January 12, 2007. The appeals were heard on March 21, 2008, and the dismissal was upheld by the appeals court on July 14, 2008. The case was appealed to the U.S. Supreme Court and was rejected by the Supreme Court on Dec. 15, 2008.^[47] The basis for the dismissal was that Dr. Hatfill was a "public figure", and he had not proved malice on the part of *The New York Times*.

Hatfill v. Foster ^[edit]

Donald Foster, an expert in [forensic linguistics](#), advised the FBI during the investigation of the anthrax attacks. He later wrote an article for *Vanity Fair* about his investigation of Hatfill. In the October 2003 article Foster described how he had tried to match up Hatfill's travels with the postmarks on the anthrax letters, and analyzed old interviews and an unpublished novel by Hatfill about a bioterror attack on the United States. Foster wrote that "When I lined up Hatfill's known movements with the postmark locations of reported biothreats, those hoax anthrax attacks appeared to trail him like a vapor cloud".^[48]

Hatfill subsequently sued Donald Foster, [Condé Nast Publications](#), [Vassar College](#), and [The Reader's Digest Association](#). The suit sought \$10 million in damages, claiming [defamation](#).^[49] *The Reader's Digest* published a condensed version of the article in December 2003.

The lawyers delayed bringing the Hatfill v. Foster lawsuit to court because "the parties are close to finalizing the settlement".

On February 27, 2007, *The New York Sun* reported that he settled without a trial.^[50]

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| [2001 anthrax attacks](#) | [People from St. Louis, Missouri](#) | [Biological warfare](#) | [Wrongfully accused](#)
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